IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 16009 of 2002

Between:

Smt S.Srilatha, D/o Brahmachary,

Occ: F.P.S.Dealer, R/o Patancheru,

Medak District.

..... PETITIONER

AND

1. The Revenue Divisional Officer, Sangareedy

Medak District.

2. The Mandal Revenue Officer, Patancheru

Mandal, Medak District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus or any other appropriate writ or writs, order or direction declaring the order dated 20.04.2002 passed by the 1st respondent in canceling the authorization of the

petitioner without issuing any show cause notice and without conducting any enquiry as contemplated under Clause-4 of Sub-clause-3 of the A.P.S.C. (RDCS) Order, 1973 as illegal, arbitrary and without jurisdiction and consequently, set-aside the same.

Counsel for the Petitioner: MR.K.RAJI REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

ORDER:

Heard both sides.

In this writ petition, the petitioner, who is holding authorization of Fair Price Shop No.14 of Patancheru Village and Mandal, Medak District, seeks to assail the impugned orders of cancellation of the said authorization, dated 20.04.2002, which was issued on the ground that she is not residing in the same place. However, it is found from the record that subsequent to the marriage of the petitioner, she has been residing with her husband in a different house but in the same place.

In similar circumstances, in respect of the petitioner, this Court has already allowed the connected W.P.No.16261 of 2002 on 02.08.2004 directing the authorities to take action.

Having regard to the same, I find no justification in cancellation of authorization of Fair Price Shop dealership of the petitioner. Further, even otherwise, the impugned orders are passed without any notice

or opportunity to the petitioner or holding any enquiry, which is unsustainable under law.

The writ petition is accordingly allowed and the impugned order, dated 20.04.2002, is set-aside. No costs.

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B.PRAKASH RAO, J

30.08.2004

DR

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this the Monday, the thirtieth day of August, Two thousand and four.

To

1. The Revenue Divisional Officer, Sangareedy

Medak District.

2. The Mandal Revenue Officer, Patancheru

Mandal, Medak District.

3. Two CCs to Government Pleader for Civil

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